

NATURAL RESOURCE COMMISSION[571]

Adopted and Filed Emergency

Pursuant to the authority of Iowa Code sections 321G.2, 321I.2, and 462A.16, the Natural Resource Commission hereby rescinds Chapter 44, “Special Events,” and adopts new Chapter 44, “Boating, Special Events,” Iowa Administrative Code.

On May 13, 2010, the Commission adopted amendments to Chapter 44; the amendments were published in the June 2, 2010, Iowa Administrative Bulletin as **ARC 8815B** and were scheduled to become effective July 7, 2010. The Administrative Rules Review Committee reviewed the amendments to Chapter 44 at its meeting held on June 8, 2010. At that meeting, concerns were voiced by both the public and the Committee regarding the effect some of the amendments would have on frequent users of the permit system. The Committee delayed the effective date of the amendments for 70 days to allow the Department to meet with the concerned public to discuss the effects of the amendments. Discussions with the public have taken place during the 70-day delay. However, the public continues to express concerns regarding the implementation of the amendments.

Due to the 70-day delay, the amendments would have become effective on September 15, 2010. The Commission decided to rescind Chapter 44, as published in the June 2, 2010, Iowa Administrative Bulletin, before the amendments became effective and to adopt Chapter 44 as it existed immediately prior to May 13, 2010. This expedited action required that this rule making be Adopted and Filed Emergency.

The Commission finds, pursuant to Iowa Code subsection 17A.4(3), that notice and public participation are impracticable due to the need to rescind the amendments adopted on May 13, 2010, before they would have become effective in order to continue discussions with stakeholders and rewrite the amendments.

The Commission also finds, pursuant to Iowa Code subsection 17A.5(2)“b”(2), that the normal effective date of this amendment should be waived and the amendment should be made effective upon filing with the Administrative Rules Coordinator on September 10, 2010. This rule-making action confers a benefit on the public by allowing the Department to further address the concerns of the public and those of the Administrative Rules Review Committee.

This amendment became effective September 10, 2010.

This amendment is intended to implement Iowa Code section 462A.16.

The following amendment is adopted.

Rescind 571—Chapter 44 and adopt the following new chapter in lieu thereof:

CHAPTER 44
BOATING, SPECIAL EVENTS

571—44.1(462A) Registration exemption. Vessels entered in special events as defined in Iowa Code section 462A.16 shall not be required to be registered as stated in 462A.4 and 462A.5, subject to the following regulations.

44.1(1) *Vessel and participant list.* Sponsors of the special event shall maintain a list of the names and addresses of all persons participating in the event and a description of each vessel in the event.

44.1(2) *Vessels identified.* Each vessel in the special event will be labeled with an identifying number or letter, clearly visible, and such will be recorded with the names and addresses of vessel passengers on the list as provided for in 44.1(1).

44.1(3) *Exemption period.* Any vessel entered into a special event may be exempted from state registration requirements for the full 24-hour period of each day covered by the permit to conduct such event and as issued under Iowa Code section 462A.16.

571—44.2(462A) Sponsoring organizations. The individuals or organizations responsible for sponsoring a special event are responsible to assure regulations of this chapter are fully complied with.

These rules are intended to implement Iowa Code section 462A.16.

[Filed Emergency 9/10/10, effective 9/10/10]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 10/6/10.